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PATTON BOGGS LLP
8484 WESTPARK DRIVE
SUITE 900
MCLEAN VA 22102

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OFFICE OF PETITIONS

In re Application of
Vardi, et al
Application No. 10/802,036
Filed: 17 March, 2004
Attorney Docket No.: 021617.0253C2US

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ON PETITION

This is a decision on the petition under 37 C.F.R. §1.47(a), filed on 2 September, 2004.

The petition is **GRANTED**.

BACKGROUND

The record reflects that:

- this application was filed on 17 March, 2004, without, *inter alia*, an executed oath or declaration by the named inventors—i.e., it was signed by all named inventors Vardi, et al, save for Eitan Konstantino (Mr. Konstantino) and Tanhum Feld (Mr. Feld);
- accordingly, the Office mailed a Notice of Missing Parts on 4 June, 2004;
- Petitioner submitted on 2 September, 2004, *inter alia*, the instant petition (with fee), demonstrating, Petitioner has shown proprietary interest/irreparable harm and that, while all of the co-inventors Vardi, et al., have signed the oath/declaration, save for the non-signing inventors Mr. Konstantino and Mr. Feld, who have refused or otherwise failed to join in the filing of the above-identified application after having been presented with the application papers.

Specifically, the declaration/statement/submission of facts of/by Michele Van Patten Frank (Reg. No. 37,028) established that the non-signing inventors were mailed the application papers,

including the specification, claims and drawings, but failed to respond positively to the request that they sign the declaration or in fact sign said declaration.

Lastly, Petitioner has submitted a declaration in compliance with 37 C.F.R. §1.63 and §1.64 and Petitioner has shown that such action is necessary to prevent irreparable damage.

This application and papers have been reviewed and found in compliance with 37 C.F.R. §1.47(a).

This application hereby is **ACCORDED status under 37 C.F.R. §1.47(a).**

As provided under 37 C.F.R. §1.47(a), the Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition.

Notice of the filing of this application also will be published in the Official Gazette.

This file is being forwarded to OIPE for processing as necessary to reflect the instant decision,
and before being released for examination in due course.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3214.



John J. Gillon, Jr.
Senior Attorney
Office of Petitions